THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20368 OF 2007

DATED:27-09-2007

BETWEEN:

Vasireddy Jwalanarasimha Rao.

..... PETITIONER

AND

The Government of Andhra Pradesh,
Rep., by its Secretary,
Department of Revenue,
A.P.,Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the order of the 4th respondent in Rc.No.225/98-A, dated 01-08-2005, served on the petitioner on 28-08-2007, as illegal and arbitrary.

3. It is the case of the petitioner that he has been assigned an extent of Ac.4.90 cents in Sy.No.371/F/A situated in Edlapadu village and mandal, Guntur District under the quota of Ex-servicemen subject to certain terms and conditions. It is stated that the said land was not brought under cultivation within the prescribed period and therefore, the show cause notice, dated 20-06-2005, was issued which was served on 18-07-2005 and explanation was submitted by the petitioner on 25-07-2005 and thereafter an order in Rc.No.225/98-A, dated 01-08-2005, has been passed by the 4th respondent-Mandal Revenue Officer, Edlapadu stating that the petitioner has not at all entered into the land assigned in his favour vide D-Form patta and not made any efforts to bring the said land under cultivation and therefore the petitioner has violated the conditions 2 and 3 of D-Form patta.

4. It is stated that four persons have encroached the said land of small extents and have been cultivating the same. After

cancelling the assignment, 4th respondent passed another order, dated 30-11-2005, assigning the said land in favour of the said four persons by granting D-form patta. Admittedly, the said order has been passed in exercise of the powers under the Board Standing Orders 15 (3) (d). Against any original order passed by the Tahsildar/Mandal Revenue Officer appeal lies to the Revenue Divisional Officer within thirty days from the date of receipt of the said order under the Board Standing Orders 15 (15). Therefore, I am of the opinion that in view of the alternative remedy available to the petitioner, this Writ Petition is not maintainable and is liable to be dismissed.

5. Accordingly, Writ Petition is dismissed with a liberty to avail the alternative remedy available to the petitioner in accordance with law. There shall be no order as to costs.

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V.ESWARAIAH,J

27th September, 2007.
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